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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,897	01/28/2002	Jervant Ulf	100508-09002	3031

7590 04/16/2003

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EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/055,897	ULF ET AL.
	Examiner Marc Jimenez	Art Unit 3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 March 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 14-31 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 14-31 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

<input type="checkbox"/> Notice of References Cited (PTO-892)	<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> .	<input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 16-33 been renumbered 14-31.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 14, 15, 17-23, 25-28, and 31** are rejected under 35 U.S.C. 102(b) as being anticipated by Henshaw et al. (3,623,203).

Henshaw et al. teach the following in Fig. 1-6: a method of producing a bending-resistant, elongated body comprising: providing an elongated blank 11 having at least one cavity extending essentially along the entire length of the blank 11, the at least one cavity (see fig. 2) being enclosed in the blank 11 but for first and second spaced openings at opposite ends

of the longitudinal axis, the inner surface of which cavity is at a distance from the mass center of the blank 11 seen in a section at right angles to its longitudinal axis and is arranged concentrically around the mass center, the blank 11 being formed from a metallic material (col. 1, line 33), inserting a fiber composite body 15 formed from a plurality of fibers in a non-metallic binder into at least one of the first and second openings of the at least one cavity, and affixing in the cavity the fiber composite body 15 with an outer surface essentially congruent with the inner surface of the cavity, wherein a majority of fibers 15 in the fiber composite body both extend essentially parallel to the longitudinal axis of the elongated blank 11 and are elongated along the whole of its length.

Regarding claims 15, 22 affixing comprises gluing the fiber composite in the cavity (col. 4, lines 6-39).

Regarding claims 17, 18, 21, 23, and 28 note that epoxy is used for gluing (col. 4, line 22).

Regarding claim 25, the beam is extruded (col. 1, line 43).

Regarding claim 26, the beam has a number of longitudinal cavities distributed with an equal pitch symmetrically around its mass center seen at right angles to its longitudinal axis (see fig. 2).

Regarding claim 31, note that in fig. 1, the bending resistant body is shaped like a spindle (cylindrical in shape like the body shown in fig. 1 of applicant's drawing). Regarding the recitation that the spindle is used for carrying paper reels, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not

differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 16 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Henshaw et al. in view of Hopfeld (3,487,518).

Henshaw et al. teach the invention cited with the exception of shrinking the cavity to the fiber composite body.

Hopfeld teaches shrinking the cavity 3 to the fiber composite body 9.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Henshaw et al. with shrinking the cavity to the fiber composite body, in light of the teachings of Hopfeld, in order to provide an even more secure attachment between the fiber composite body and the cavity.

6. **Claims 29 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Henshaw et al. in view of Mahoney et al. (5,207,848).

Henshaw et al. teach the invention cited except that Henshaw et al. teach a solidly formed

tubular fiber composite body 15 (see fig. 2) instead of the claimed tubular composite body having a central bore devoid of fibers.

Mahoney et al. teach a fiber composite body 16 that is tubular and has a central bore devoid of fibers.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Henshaw et al. with a tubular composite body that has a central bore devoid of fibers, in light of the teachings of Mahoney et al., in order to reduce the weight of entire the roll.

Response to Arguments

7. Applicant's arguments filed 3/21/02 have been fully considered but they are not persuasive.

8. Applicant argues that Henshaw et al. do not disclose or suggest a concentrically arranged cavity around the mass center, however, in fig. 1 and 2, the cavity surfaces are concentrically arranged around the mass center. The ordinary definition of "concentrically" is "having a common center or common axis" see attached definition from Merriam-Webster's Collegiate Dictionary, Tenth Edition. Therefore, Henshaw et al. clearly teach "an inner surface of which cavity is at a distance from the body's mass center seen in a section at right angles to its longitudinal axis and is arranged concentrically around said mass center".

Contact Information

9. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to

CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Friday, between 5:30 am- 2:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335

Art Unit: 3726

Petitions/Special Programs (703) 305-9285
Terminal Disclaimers (703) 305-8408
PCT Help Desk (703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line 1-800-786-9199
Internet PTO-Home Page <http://www.uspto.gov/>

MJ



April 15, 2003



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